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FIRST NAMED INVENTOR ATTORNEY DOCKET NO. APPLICATION NO. FILING DATE CONFIRMATION NO. 10/085,150 02/27/2002 Clifford L. Emmons 2685 1281

7590

Norwalk, CT 06856

Mark Farber

02/27/2004

c/o Tyco Healthcare Group LP 150 Glover Avenue

EXAMINER

RODRIGUEZ, CRIS LOIREN

PAPER NUMBER

ART UNIT 3763

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

1) Responsive to communication(s) filed on 17 December 2003. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-20 is/are pending in the application. 4a) Of the above claim(s) 17,19 and 20 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1,3-9,11-16 and 18 is/are rejected. 7) Claim(s) 2 and 10 is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 17 December 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							N.
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Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5. 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) 6) Other:	1) 🔀 Notic 2) 🔲 Notic 3) 🔀 Infor	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08	8)	Paper No(s)/Mail 5) Notice of Informal	Date	-152)	

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DETAILED ACTION

Election/Restrictions

1. Applicant's election of species a)figures 1-4, claims 1-16, and 18 in Paper No. 8 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 17, 19, and 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 8.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "104". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 4, 6-9, 11, 12, 14-16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Capozzi et al (US 5,116,315).

Capozzi discloses a syringe system having a housing 14, a discharge nozzle 58 housing a plurality of conduits having exit openings, and a deflector assembly 20 having a deflector plate 77.

6. Claims 1, 5-9, and 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Redl (US 6,620,125).

Redl discloses a fluid delivery system having a housing 1, a discharge nozzle 9 housing a plurality of conduits having exit openings, and a deflector assembly having a deflector plate 14.

Allowable Subject Matter

- 7. Claims 2 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 8. The following is a statement of reasons for the indication of allowable subject matter: the art of record does not teach or render obvious a fluid delivery system having a plurality of reservoirs including a sealable opening configured for being penetrated by a proximal end of a respective one of the plurality of conduits, in combination with the elements set forth in the claims.

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Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nicholls, Schwab, Sugiura.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cris L. Rodriguez whose telephone number is (703) 308-2194. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on (703) 308-3552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 17, 2004

ris L. Rodriguez

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